

# The Russellville Democrat.

JAMES E. BATTENFIELD, Editor.

DEVOTED TO LOCAL, POLITICAL, COMMERCIAL, AGRICULTURAL AND LITERARY INTELLIGENCE.

B. F. JOBE, Business Manager.

VOL. II.

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NO. 3.

## FRUIT GROWING.

We do not know if we have not given our farmers a jolt on this subject before, but even if we have we deem it of sufficient importance to call their attention to it again. It is one of the most inexcusable defects of our County that we have not a bountiful supply of good fruit—especially apples, which we regard as the best and the staple fruit for human food. The value of the apple as an article of good, healthy food is surely not appreciated by our people. Although it does not contain quite so large a proportion of nutriment as some other articles of food, the value of the apple as a sanitary diet and as a luxury, both raw and in its many prepared forms, ought to give it an important place as an article of subsistence, and should secure for it a share of the attention and care of our farmers. At the price which a good winter apple now commands it would even be a very profitable crop for sale. There is no reason why we should not have an abundance of this delicious fruit. It grows and produces well in our country and matures to perfection. While the trees may not be as hardy and have as great longevity of life as they do in Washington county—the apple region, par excellence, of Arkansas—they produce well and the flavor and the quality of the yield is equal to any. We hope more attention will be given to the apple orchard by our farmers, so that in a few more years we will have an abundant supply of this most delicious and healthy of all fruits. The idea of there not being ten bushels of native apples in Pope county—which we do not suppose there is—when we could have thousands, is—provoking to say the least. Only last week a Nebraska gentleman who visited our town and county with a view to becoming a citizen and locating a dozen or more families among us, asked us where he could see or procure a specimen of Pope county apples. We went with him to the only farmer whom we knew of that gives any attention to fruit but got no specimen. We did, however, get the assurance that the efforts of that farmer had been successful and that it would pay to have good orchards here. So our Nebraska friend went away without being able to see a specimen of Pope county apples. We hope this will not be the case with any one who may call for a specimen four or five years from now.

## STATESMEN AND LILLIPUTIAN POLITICIANS.

The line of distinction between statesmen and Lilliputian politicians who with their demagogues very seize upon every temporary issue to get up an excitement which will bring their names to the surface, is pretty fairly drawn in the following article which we take from the New York Tribune. The Tribune, although not generally regarded as very appropriate mouthpiece for giving lectures on public virtue, has struck the right note here, and if the public taste can be brought to make the proper distinction between the statesman—the true man, who has his country's good first and foremost in view, and the Lilliputian politician who floats with the current and never loses an opportunity to make himself conspicuous, the country will be the gainer. We can also commend the observations made in the Tribune article to the careful perusal of those journalists who ought to be moulders of correct public sentiment, but who, not infrequently, by their biased views and distortion of minor issues, bring unjust censure upon public men and measures.

Small politicians waste their time in trying to make capital out of temporary excitements. Continually striving to catch the changing phases of public opinion, they are sure to fail, sooner or later, and then drop out of sight forever. Statesmen do not themselves to large and lasting public

interests, and when they prevail win a power which endures. We commend these observations to the attention of those persons who are exercising themselves about the details of the annexation bill or the school question. These matters will soon be out of the way, and the way, and the part that men have taken in regard to them will not be long remembered. The favor or criticism of to-day will have vanished to-morrow. But the man who helps to give the country a purer administration, a sounder currency, a less burdensome system of taxation, a more complete and enduring harmony of races and sections, will find his name engraved on the hearts of men long after the immediate cause of their regard has passed.

There have been many of those ephemeral excitements which small politicians watch for so closely. Within a quarter of a century we have seen very small men leap into notoriety because of their opinions about the pope, but, shortly after, nine-tenths of them were politically dead and forgotten. The Nebraska bill tossed many to the surface, who quietly slipped out of sight when the real issue between freedom and slavery was joined. The war itself created politicians by the acre, and killed off quite as many. Johnson's policy, and resistance to it, negro suffrage, and the impeachment, each brought men into notice who soon showed that they were mere demagogues, and were presently forgotten.

Annexation is a dead issue. The people are not going to excite themselves to any great extent about the political condition of Jefferson Davis. The school question seemed to many politicians one of vital importance, and they rushed at it with enthusiasm. But public opinion quickly perceived that there was no real danger to the school system, and the demagogues will easily demonstrate the fact, and bury that issue out of sight for years at least by passing a single act. Then it will be seen that it was a blunder to assail them where they were not assailable, and they may very likely gain more than the republican politicians who professed to believe that the public school system was in grave danger. It is quite possible that our relations with Spain may presently cause some excitement, and then we shall see the whole army of Lilliputian politicians arraying itself hurriedly for war. In a little while that gust will pass; this country is not going to fight with Spain about an island which we could not afford to take as a gift. Then thoughtful citizens will look with cool contempt upon the demagogues who have been making an unnecessary fuss about the matter, and return to the consideration of permanent public interests.

So long as we have any form of paper currency issued or regulated by government, the prosperity of the country and the national honor will depend upon the treatment of that question. So long as we have to pay taxes, the public prosperity will depend upon a wise adjustment of those burdens. So long as we have states who citizens remember that they were once at war against the government, it will be necessary to consider with care the policy of the government with a view to restore harmony and unity of feeling without surrender of the cause for which the soldiers of the union fought. So long as we have a civil service it will be necessary to guard it from corruption, to fight against the demoralization which partisanship engenders, to expose frauds and prosecute plunderers. The man who devotes himself to the public service in connection with such questions as these will grow in strength year after year, and the very people who shout for demagogues in some hour of excitement will come back to the patient and faithful statesman with new respect, because he was neither unscrupulous enough to lead nor weak enough to follow in such a chase after the will-o'-the-wisps. The people like a man who follows them in every vagary, just as one likes the dog that trots after him. But they learn to honor, to trust, and to obey the man who teaches them that he is more wise than themselves, and more true to their own interests.

Helena Mail: The production of a Helena hen, an egg with a curiously shaped tail to it, is the latest centennial curiosity we have to report.

Ark. City Post: We witnessed the sawing, on yesterday, of the longest timber we have ever seen run through the saw. It was 10 feet long and was sawed at the mill of J. M. & J. C. Whitehill, for boat building.

## STATE NEWS.

The scrip of Benton county is selling at 90c. So says the Advance.

Fayetteville Sentinel: The people are paying their taxes with considerable promptness.

Beebe Magnet: We have another curiosity this week, in the vegetable line. It is a parsnip found in Mr. R. A. McCulloch's garden, and has the form of a human. It is another of those strange freaks of nature and is somewhat of a mystery. We have been unable to decide which persuasion it belongs to.

Hot Springs Telegraph: We learn that the ice machine, situated out on Gulpha, is about complete. Steam was raised some days ago, and everything worked to a charm. Mr. Beattie says that the company will be fully prepared in a couple of weeks to supply all the ice required by this market.

Fort Smith Herald: The store of Haglin & Pape was broken into on Thursday night, and quite a quantity of goods were stolen—we did not learn how much.

We have plenty of thieves in our midst, and our town abounds in sneak thieves, who will steal the smallest and the biggest article they can get their hands on. A dose of buckshot is the best medicine for them.

Helena Mail: About dark Saturday night, a barrel of sugar was found in the stable in the back yard of McKenzie & Horners' store, and in an empty hog-head was found a box of soda. Shortly before the discovery of these things, two young men were passing and noticed a man robbing a barrel, which caused suspicion, and a search resulted in the finding of the articles mentioned. Parties upon whom suspicion lies have been arrested.

Augusta Bulletin: On Tuesday night last week, Mr. Frank McConnell, of Crittenden county, heard of the death of his child and of his wife's great distress, while he was at a landing below his home on the Mississippi River. As the A. J. White landed to take him on board, the stage plank fell on him and crushed him. He was taken on board and landed at his home, only to add to his wife's agony by dying soon after reaching his own landing.

Fayetteville Democrat: During the storm here Thursday night last, the frame of the Presbyterian church was torn all to atoms.

A short time since the residence of Mr. Wm. Cunningham, near town, while the family were absent, broke open a trunk, and stole the last cent of money the old gentleman possessed. Hanging is too good for such a villain; he ought to be kicked to death by a mule.

Fayetteville Democrat: The east side of the square made a narrow escape from fire Tuesday night last. The clerk in the book store left a box of fresh ashes sitting on the floor when he closed up the house to go to supper, which set the box on fire and was getting under headway, when Capt. Albright fortunately entered the room in time to check its progress. In a few moments longer, the handsomest block of business houses in the city would have been in great danger of being destroyed by the fire fiend, as the wind was blowing almost a gale at the time; and besides, most of the men were out looking for the lost child. A little more caution should be used in removing ashes from stoves, or fireplaces either.

Beebe Magnet: Willis Coffee, a colored gentleman of our town, was requested to appear before the grand jury at Searcy, one day last week, and went by rail as far as Kensett, thence by Walker's line to the county seat. The branch road freight train had gone on towards Searcy, and a passenger of Willis' (Rio Coffee) had fallen off and was left on the track in a helpless condition! Willis and his "pard" Charley Nelson, discovered Rio Coffee and removed him from his dangerous position and put him behind a log, as the express train (which has a mule for an engine) was in all probability, run over and horribly mangle Rio. Some eagle was around, and in consequence Willis Coffee and Charley Nelson were arrested for hiding Rio Coffee. At last accounts there was a fair prospect of Willis being sent where he will not get much coffee in his for a while. It is not a safe plan to be too familiar, even with one of your own name. Since writing the above, we learn that Willis has been sentenced to one year in the penitentiary. Charley was made a witness for the state and left poor Willis with the bag to hold.

## Warning.

Ha!—dash to the earth the poison bowl.  
And seek it not again—  
It hath a madness for the soul—  
A scorching for the brain.  
The curses and the plagues of hell  
Are flashing to its ruin—  
Wo—for the victim of its spell,  
There is no hope for him!

Nor go thou to the banquet hall—  
The festal light may shine,  
And love and beauty gladden all  
The revelry and wine;  
But go thou not—for death is there—  
He cometh not in vain—  
His ghastly arm is raised and bare,  
Above each reeling brain!

Away!—in God's own strength,  
away!  
Cast off the evil thing—  
Turn from the tempter's smile, and pray  
For your deliverance:  
So shall a loftier strength be given  
Above the winecup's spell;  
And thou, that art an heir to Heaven,  
Escape the fears of Hell.

To smoke or not to smoke.  
So shall a loftier strength be given  
Above the winecup's spell;  
And thou, that art an heir to Heaven,  
Escape the fears of Hell.

To smoke or not to smoke.  
Whether 'tis better to abjure the habit,  
And trust the warnings of a scribbling doctor,  
Or buy at once a box of best Havanas,  
And ten a day consume them to  
Smoke, to puff,  
Nay, more, to waste the tender fabric  
Of the lungs,  
And risk consumption and its thousand ills  
The practice leads to—'tis a consummation  
Discreetly to be shunned. To smoke,  
To puff,  
To puff, perhaps to doze—aye there's the rub;  
For in this dozing state we thirstily grow,  
And, having burned the tube up to a stump,  
We must have drink, and that's one cause  
We modern youth are destined to  
A short life.

For who can bear to feel his mouth parched up,  
His throat like whalebone and his chest exhausted,  
His head turn giddy and his nerves unstrung,  
When a cold of night drenches these ills away  
With wine or brandy? Who could live in smoke,  
And pine and sicken with a secret poison;  
But that the dread of breaking o'er  
Prescribed by Fashion, whose controlling will  
None disobey, puzzles ambitious youth,  
And makes us rather bear the ills we feel  
Than cure others that the doctor warns us of:  
Thus custom does make specters of us all,  
And thus the native hue of our complexion  
Is sickened o'er with a consumptive tinge.  
The appetite, a loss of greater moment,  
Palled by the weed, and the digestive powers  
Lose all their action. [On Guard.

## Arkansas.

The State of Arkansas took its name from the Arkansas river, which divides the state into nearly two equal parts. It is 240 miles in length, by 224 miles breadth, and contains 52,198 square miles, or 33,406,720 acres of land surface. It may be said that Arkansas was colonized by the French in 1685, yet in 1803, when as a portion of Louisiana it was purchased by the United States government it was still a wilderness.

In 1819 Arkansas was organized as a territory, and in 1836, forty years ago, admitted into the union as a state. In 1820 the population was 14,273; in 1830, a population of 30,388; in 1840, a population of 97,574; in 1850, a population of 209,877, and in 1860, a population of 435,450, divided as follows: whites 324,143; free colored, 144; slaves, 111,113, and 48 Indians. From 1860 to 1870, and during the civil war, but little increase in population was had, and at the present time it probably does not much exceed 500,000.

In climate and natural wealth Arkansas is not excelled by any state in the union, and in everything that makes a country desirable to the cultivator of the soil and manufacturer of those articles necessarily used on the farm and consumed by the producer, she offers many inducements not to be found in any other state or territory.

Rich in almost every kind of mineral resource; coal in abundance, and of the best qualities, timber to supply every want, and to spare, with a soil capable of producing the vegetables and grains produced in all the northern states besides cotton and other southern productions, Ark. needs but enterprising labor and with an honest and faithful administration of state affairs, such as she now has, will soon become one of the foremost states of the federal union.—Little Rock Herald.

We don't expect to hear any more complaint hereafter about the scarcity of hogs in this country as we are told that the whole country is alive with young pigs.—Fayetteville Democrat.

## THE CENTENNIAL REGIMENT.

### Its Formation and Equipment.

Everybody in Little Rock, and consequently in the state of Arkansas, having a pardonable pride and interest in the above named regiment, the Herald commissioner took it upon himself to call upon Col. Mills, yesterday, and ascertain all the particulars in regard to the First Regiment Arkansas State Militia up to date. He was most courteously received by the Col. and the following information promptly and cheerfully given.

No companies have as yet been formally tendered to the State government for acceptance, as the several orders require the offer of a completed battalion of six full companies, with their muster rolls, before regimental organization takes place.

Little Rock reports a company in course of organization, Capt. Sam. Churchill in command. A full company will be completed whenever needed, as it is about to be.

Arkadelphia has one company, with Capt. W. J. Ashton, as commander.

Hot Springs reports Capt. John Brooker's company full.

Johnsville, Bradley county, reports a full company under the leadership of Capt. S. W. T. Meek. Camden says her company is full.

Fayetteville has a company which will probably be under the command of Brig. Gen. E. J. Stirman, who for the nonce regards the captaincy of a company of centennials as preferable to brigadier-generalship in any other organization, in which the general displays good judgment.

The cadets of the Arkansas Industrial University at Fayetteville have expressed a wish to accompany the regiment as a separate artillery command, which wish will be taken under advisement hereafter. At present many of the cadets are members of Gen. Stirman's company.

Helena reports a company nearly full, who were enlisted by C. A. Otey, Esq.

Lewisburg reports a company fast approaching the required number, and Van Buren has the fever to the extent of one company, now being organized by Capt. J. D. Hawkins.

Offers of companies have been received from Hope, Monticello, Dardanelle, Bentonville, Van Buren county, Warren, Hampton and Emmett, Nevada county.

Platoons or portions of companies have tendered their services from Judsonia, Searcy, Beebe, White county, Fort Smith, Dewitt, Osceola, Mountain View, and several other points in the State; and yet this list does not include cases where companies have been tendered, but have been unable to conform with the requirements imposed. Who says Arkansas will not have a regiment that will do the state and itself credit?

The uniform has been decided upon, and the dress suit of the rank and file will consist of a dark olive-green coat and pants, trimmed with crimson and gold, worsted epaulettes of green and crimson, white cross belts, high caps, not unlike the caps of the St. John's cadets, except in color, which will be decorated with plumes. The officers' outfit will be of the same material and color, epaulettes gold trimmed; headgear will be black chapans with plumes. The men's uniform will cost \$32.50, and with caps, belts, ornaments, etc., will reach about \$40 per man. Col. Mills showed us samples of the cloth to be used, and it seemed to be a first class article. The fatigue suit will be of strong, serviceable cadet gray cloth, and will cost from \$13 to \$16 per suit. This suit being without ornament of any kind, will always be serviceable for every day wear and would cost at least \$30 if made to single order. This uniform has been adopted after long consideration, and combines in a great degree all the good qualities of the uniforms of the celebrated militia organizations throughout the United States; it is plain, simple, yet strikingly unique; it will be furnished at strictly cost price, and delivered direct to the companies, upon payment unless otherwise preferred. A deposit of \$10 for each uniform is to be made with the manufacturer, when they are ordered. This will be the only personal expense to those joining the regiment, and for the money thus expended in buying the uniforms, they will receive full value in good substantial clothing.

Lee Phillips was in town this week and exhibited a sheep of the ram species, with four large sized, fully developed horns growing on its head. Two of the horns formed a semicircle, pointing forward, and the other two vice versa, rearward. This specimen of the sheep family bears a striking resemblance to Old Nick, and we insist that he be forward to the Centennial.

The services of four brass bands have been tendered, and they will consolidate in one when in this city during the period of battalion drill. The regiment will be armed at state expense, with breech-loading Springfield muskets.

The regiment upon arriving at Philadelphia will come in competition with some of the most thoroughly instructed and exercised military organizations in the country, and Col. Mills proposes to have the following extract from his instructions upon the matter, lived up to:

"No man will be enlisted who is not willing to pledge himself, upon honor faithfully to conform to the orders of the commanding officer in this regard; and these orders will require a drill of not less than two hours, on at least three days of each week intervening between the muster-in of the company and the assembly of the battalion at Little Rock, in camp of instruction, as well as the maintenance, in camp, of strict discipline."

There are too many men who imagine that when they have a gun upon their shoulder that they are soldiers; and companies not complying with the above regulations will not be accepted, nor, if accepted, continued in service. The regiment will be concentrated in this city about the 1st of June, and go into camp and be exercised at battalion drill for one month without expense to themselves. When in the field at Philadelphia they will come in competition with troops whose every movement is like clock-work, a precision which can only be attained by constant, patient, steady drill with this one view in mind.—Little Rock Herald.

## What an Illinoisan Thinks of Arkansas.

From the Spirit of Arkansas.

We do not often interview anybody, preferring to publish what ever may be voluntarily written, in the ordinary course of our correspondence; but to day Dr. William Saunders, a citizen of Illinois, happening in our office, it occurred to us that his friends might like to hear what he said, and what his impressions were. After having spent a time here, returning to Illinois for a few weeks, and again coming back to Arkansas, he, by this means, is better able to institute a comparison between the lands and climate of the two sections; and, in answer to the question "What do you think of the relative merits of the two countries?" he said: "There is no comparison. We work there five or six months, to keep ourselves and our stock from starving the rest of the year. Arkansas prairie lands are no richer, and probably not as rich as those in Illinois, but the climate is so much milder that land of the same fertility will produce much more. I bought 1280 acres of prairie land this fall, and I estimate that there were over 1900 tons of hay upon it. If any farmer in Illinois has a farm worth \$50 per acre it would be to his interest to sell, even if he only got \$25 per acre for it, and come down here and get a farm for from \$2 to \$5 per acre. He will make money by it. We bought, up in my old country some years ago, for \$2 per acre, and it is now worth from \$50 to \$1000, and this land here is bound to increase as rapidly in value, if not more so. Five of my neighbors came down with me, and we have altogether negotiated for about 24,000 acres. Nothing in the ordinary course of events would induce me to go back to Illinois. My wife says the same thing, and that the very thought of it makes her shiver. There are a great many coming down, and no good, sensible farmer, after visiting Arkansas and taking a good look, will ever be satisfied thereafter to farm in Illinois."

These are plain words from a plain, honest, long-headed farmer, who knows what he is talking about; and many of our readers are well acquainted with him, and we could give plenty of corroborative testimony, but it is not necessary. It is now winter, with you. You have leisure. You are compelled to be idle, so far as any outside farming operations go; so come down and see our farmers here, with their coats off, getting early gardens started, and preparing for their spring crops; see stock still enjoying the green grass in the open fields, and then go back to your bleak country, to your shivering stock, and ask yourselves whether or not you are standing in your own light, by staying in such an inhospitable climate.

Lee Phillips was in town this week and exhibited a sheep of the ram species, with four large sized, fully developed horns growing on its head. Two of the horns formed a semicircle, pointing forward, and the other two vice versa, rearward. This specimen of the sheep family bears a striking resemblance to Old Nick, and we insist that he be forward to the Centennial.

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## TERRIBLE ACCIDENT.

### A Deckhand and Two Railroad Laborers Drowned.

Last Sunday Morning the steamer Ella Hughes took on forty-nine railroad laborers for Van Buren, a large number of whom were intoxicated. Between Ozark and Van Buren a deckhand, named Pat Conley, and two of the laborers, whose names were unknown, fell overboard and were drowned. Intoxication was the cause of their death. Every effort was made to recover the unfortunates, but in vain.

## Immigration and Capital.

Little Rock Herald.

Probably no state in the union has made less practical efforts to secure a healthy immigration than Arkansas. While the state possesses natural resources, ample and diversified, as great as any other commonwealth, we find many sister states less favorably situated, with less inducements to offer and fewer resources to present, already containing a population, in comparison to which that of Arkansas sinks into insignificance. No doubt political disturbances, the result of Grant's reconstruction policy, and its concomitant appliances, have had much to do with retarding the growth and development of the state. But these disturbing causes have happily been swept aside and we have now a right to hope that with this new era will come an increase in our population and a stimulation to our agricultural, manufacturing and mercantile interests.

The establishment of a proper bureau, upon which shall devolve the duty to give an impetus to the future growth and prosperity of the state, is absolutely necessary. The refusal of our recent legislature to do so, in all probability, was a mistake. The spirit of economy which actuated that body was creditable indeed, but may have been carried too far in this particular instance. The state needs capital and labor, and every effort should be made on the part of the legislature and all our people to secure both. The real urses of the state, and the cheapness of our rich farming lands should be made to immigrants from abroad, and to all others seeking good lands, a healthy location, and a warm salubrious climate. Let the people of the state of Arkansas say to all the world, through every possible channel, here is a comfortable home, and room for all who desire to come, and when they do come, extend the right hand of fellowship.

In no other way can the state of Arkansas expect to keep pace with other portions of the west. Wisconsin was admitted into the union some thirteen years later than this state, but through her efforts to secure immigration she contained in 1870 a population of 1,054,670, and her farming lands were at that date valued at upwards of three hundred million dollars. Minnesota was admitted into the union twenty-one years after this state was admitted, and in 1870 contained a population of about 440,000, and a farm valuation of upwards of ninety millions of dollars, being more than twice that of Arkansas farming lands.

The young state of Kansas shows about the same progress. These states at an early day put forth every effort to secure immigration and capital, and still continue to do so. Their people welcome and kindly receive every new-comer from the north, south, east or west, and from foreign lands. They are not blinded by prejudice, nor superstitious from ignorance, and in this way they are developing all the resources of their states. Arkansas must do likewise, if advancement and prosperity is her aim. Conservatism is all right in its place, but when it is used to make a virtue of those things which have not advanced any in fifty years, and which do not change, it becomes nonsense in the estimation of all intelligent citizens. To live capital and energetic labor, as state can offer more substantial returns than Arkansas.

## SUPREME COURT DECISIONS.

Abstracts Prepared by Chancellor John R. Eakin.

## NO. 7.

Oliver, sheriff and collector, vs. Memphis and Little Rock railroad company. Appeal from Pulaski chancery court.

Bill to enjoin the collector from collecting a tax on the road, work-shops, manufactured cars, etc., alleging irreparable injury from stoppage of business, etc. Decree reversed, and the collector ordered to pay the tax, with interest and costs.

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## ABSTRACT.

In the absence of constitutional provisions, the state may exempt from taxation any property whatever, and such an exemption in a railroad charter is a contract which the state cannot afterwards violate either by statute or by change in its constitution.

An illegal levy of a tax upon exempted property of a railroad, might not, of itself, afford ground for an injunction, but the allegation of danger of stopping its trains and business makes a case not easily estimated and compensated in damages, and an injunction may issue.

## NO. 8.

State vs. Anderson. Appeal from Nevada county.

Anderson was indicted for card-playing on Sunday, in several counts, all naming some game. The witnesses for the state could not recollect the name of the game. Under instructions from the court, the defendant was acquitted and the state appealed. English, c. j., delivered the opinion.

Where a thing necessary to be mentioned in an indictment is described with undue particularity, it must be proved as described; and so in an indictment for playing cards on Sunday, the name of the game need not be stated, but if it is, it must be proved.

## ABSTRACT.

F. M. Chrisman et al. vs. Thos. J. Rogers, administrator.

Rogers sued Chrisman, as one of the securities of a bond in an attachment, on a bond to release the property. The attachment case before the magistrate was adverse to the defendant, who appealed to the circuit court, and there judgment was rendered against him and his securities on the appeal bond. This suit was the original bond. Judgment on demurrer for plaintiff. Chrisman appealed. Opinion by Judge Walker.

The original securities on this attachment bond were not released by the judgment against the principal and securities on appeal, nor was it necessary, before suing them, to take out execution on the latter judgment. The first is not merged. This case differs from a judgment on a stay, or delivery bond.

Although it is the duty of a judge, sitting as a jury, to reduce to writing his finding of facts, the neglect to do so is not fatal. It may be done after judgment.

Judgment affirmed.

Crudup et al. vs. Franklin county et al. Appeal from Franklin county.

This was a bill by the complainants, for themselves and the tax-payers, against the county and the sheriff, to enjoin the collection of illegal taxes. Demurrer sustained, and complainants appealed. The abstracts show the nature of the case. Opinion by Walker, J.

Under the law, in 1871, a county could only levy a tax of five mills for ordinary county purposes; and a levy in addition of one eighth of one per cent. for salaries and fees of the county court was illegal. They belong to the list of ordinary county purposes.

Also a levy of 1/4 of 1 per cent. to pay county indebtedness was illegal, where it appears in fact, (from bill and exhibits,) that there was no outstanding county indebtedness.

Where the illegality of a levy does not appear on the record, but must be shown by matters dehors, the remedy by certiorari is inadequate, and injunction may issue.

And so, where some tax-payers applied to the county court to correct the error, and the court refused to allow their application to appear of record, thus defeating the right of appeal, injunction will lie. The action of the court amounted to a fraud.

Decree reversed and case remanded.

The court basing its judgment on the foregoing grounds, intimates further that in all cases of illegal taxes, an equity jurisdiction may arise to sustain a bill in behalf of the tax-payers on the ground of preventing multiplicity of suits.

To measure corn in a crib multiply length, breadth and depth in feet. Divide the product by 44, which will give the number of bushels of corn slipped in the ordinary way in which we gather corn here in the South.

Capt. Buckner lost about one mile of his fence and sixteen stacks of hay from the overflow. —Fayetteville Democrat.